

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

WILLIAM H. STOLLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-11-294-C
	)	Case No. CIV-11-1144-C
ROBERT A. FUNK <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS' FINAL EXHIBIT LIST**

Defendants Robert A. Funk and the Robert A. Funk Trust ("Defendants") respectfully submit this Final Exhibit List, pursuant to this Court's Order entered on August 8, 2013. Defendants reserve the right to amend or supplement this list, as discovery is ongoing.

**EXHIBIT LIST**

No.	Date	Bates Range	Description
1.	5/5/1983		Articles of Incorporation of Express Temporary Help Service, Inc. (ESI)
2.	6/11/1983		ESI Bylaws
3.	7/8/1983		Amendment to Articles of Incorporation
4.	11/12/1984		Amendment to ESI Articles of Incorporation
5.	3/11/1985		Amendment to Articles of Incorporation
6.	3/13/1985		Restated Articles of Incorporation
7.	11/30/1989		ESI Statement of Change of Registered office
8.	3/26/1990		ESI Amendment to Articles of Incorporation
9.	6/16/1993		Amendment to Articles of Incorporation
10.	4/7/1999		Shareholder Agreement
11.	9/22/2004		Stoller email to Funk

No.	Date	Bates Range	Description
12.	10/23/2005		Email chain between Stoller and Funk
13.	3/15/2006		Unanimous Consent of ESI Board
14.	3/15/2006		Agreement between Bob Funk and Bill Stoller
15.	3/15/2006		ESI Guaranty
16.	9/14/2006	FUNK 013039- FUNK 013040	Stoller/Funk email chain
17.	9/15/2006		Amended & Restated ESI Guaranty
18.	9/15/2006		ESI Certificate of Officer
19.	6/1/2007	STO211724	Stoller email to Funk
20.	6/1/2007	ESI 0918696	Unanimous Consent of ESI Board of Directors
21.	6/5/2007		ESI Amended and Restated Guaranty
22.	6/22/2007		ESI Board Minutes
23.	9/25/2007		ESI Board Minutes
24.	11/7/2007		Shareholder Agreement
25.	12/7/2007		ESI Board Minutes
26.	1/24/2008		Funk/Stoller emails
27.	6/17/2008		ESI Board Minutes
28.	9/17/2008		ESI Board Minutes
29.	9/22/2008	FUNK 001828	Stoller/Funk emails
30.	10/1/2008	FUNK 026887	Stoller/Funk emails
31.	10/9/2008	ESI 0766935	Stoller/Funk emails
32.	12/5/2008		ESI Board Minutes
33.	1/4/2009	ESI 0790780	Stoller/Funk emails
34.	1/28/2009	ESI 0771050	Stoller email to Funk
35.	3/1/2009	ESI 0790935	Stoller/Funk emails
36.	3/12/2009		ESI Board Minutes
37.	3/26/2009		Stoller/Funk emails
38.	3/30/2009		Funk email to Stoller
39.	6/25/2009		ESI Board Minutes
40.	7/27/2009	ESI 0773958	Stoller/Funk emails
41.	9/17/2009	FUNK_E_016202	Andrea Boutwell letter to Corbyn
42.	9/22/2009	FUNK_E_014005	Rupert email to Rawlinson & Corbyn
43.	9/22/2009	ESI 0421481	Corbyn letter to Rupert & Morgan
44.	9/23/2009	FUNK_E_014103	Corbyn email to Rawlinson
45.	9/23/2009		Rawlinson/Corbyn/Rupert emails
46.	9/24/2009	FUNK_E_014136- FUNK_E_014137	Corbyn/Rawlinson email chain
47.	9/24/2009	ESI 0962447	Rupert email to Rawlinson & Corbyn

No.	Date	Bates Range	Description
48.	9/26/2009	FUNK_E_014130	Rawlinson email to Rupert
49.	10/30/2009	FUNK_E_013742- FUNK_E_013752	Corbyn email to Rupert & Morgan
50.	10/30/2009	FUNK_E_013753- FUNK_E_013756	Corbyn email to Morgan & Rupert
51.	12/3/2009	ESI 0424864- ESI 0424865	Rupert letter to Rawlinson
52.	12/3/2009	JCRAIG 000455- JCRAIG 000458	Rupert email to Tom Richards, Fellinger, Craig
53.	12/4/2009		ESI Board Minutes
54.	12/4/2009		Executive Committee Meeting
55.	12/4/2009		Rupert & Morgan report to ESI Board
56.	12/10/2009		Merkley letter to Rupert & Morgan, copying in Rawlinson
57.	2/3/2010		Board of Directors Meeting Minutes
58.	2/3/2010		Annual Shareholder Meeting Minutes
59.	2/16/2010	FUNK_E_013061	Rawlinson email to Rupert
60.	3/5/2010	ESI 0954786	Rupert email to Rawlinson & Corbyn
61.	3/10/2010	FUNK 001829	Richards email to Funk
62.	3/11/2010		ESI Board Minutes
63.	3/24/2010	JCRAIG 000497	Craig/Morgan/Rawlinson/Corbyn email chain
64.	4/14/2010		Minutes of ESI Board Special Meeting
65.	6/22/2010		Funk Memorandum to ESI Employees and Franchisees
66.	6/28/2010		Minutes of ESI Special Board Meeting
67.	7/2/2010	ESI 0955332	Rupert email to Corbyn, Rawlinson, Craig & Chilton
68.	7/8/2010	ESI 0960216	Stoller email to Funk & Fellinger
69.	9/10/2010	ESI 0785552	Stoller/Funk emails
70.	9/15/2010		ESI Board Minutes
71.	10/12/2010		Judge Cauthron Order Dismissing Stoller's Complaint
72.	10/15/2010	ESI 0876385	Funk email to Franchisees re: Legal Update
73.	11/12/2010		Ben Voss Email and Report
74.	11/23/2010		Voss email to parties
75.	12/3/2010		Crowe Recommendations to the ESI Board of Directors
76.	12/16/2010	STO 208416	Ramey email to all parties

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
77.	12/22/2010		Approved Resolutions (Meeting of the Board of Directors)
78.	1/4/2011	STO 0207244-STO 0207273	Email from Cole Ramey to All Counsel
79.	1/11/2013		Ramey email to all counsel
80.	2/23/2011		Resolutions Approved at ESI Annual Meeting of Board of Directors on 2-23-11
81.	4/28/2011		Board of Directors Meeting Minutes
82.	4/28/2011		Board of Directors Executive Session Minutes
83.	6/22/2011		Board of Directors Executive Session Minutes
84.	9/22/2011		ESI Board of Directors Meeting Minutes
85.	11/8/2011		ESI, ESI of Canada, Express Holdings IV and Express Holdings V Special Board of Directors Meeting Minutes
86.	12/2/2011		Chief Financial Officer's Report to the Board of Directors
87.	12/15/2011		ESI Board of Directors Meeting Agenda & Minutes
88.	2/1/2012		ESI Special Meeting of the Board of Directors Minutes
89.	9/19/2012		ESI Board of Directors Meeting Agenda & Minutes
90.	9/19/2012		ESI Board of Directors Executive Session Agenda & Minutes
91.	3/22/2012	STO209620-STO209624; STO209708-STO209713	Board of Directors Meeting Transcript Summary Index; Transcript of recording of the meeting (Deposition Exhibit No. 14)
92.	5/28/2010	STE0097495-STE0097502	Summary of Interview Notes for Executive Compensation Review (Deposition Exhibit No. 15)
93.	11/12/2010	STE0031584-STE0031590	Letter from Voss to Funk and Stoller, copying Rupert, Rawlinson, Gardner RE: Executive Market Compensation Analysis (Deposition Exhibit No. 16)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
94.	12/03/2010	STO203260- STO203270; ESI0005264	Email from Rupert to Cole Ramey, Robinson, Oliver Howard, Corbyn, Terry Tippens RE: ESI—Recommendations (Deposition Exhibit No. 18)
95.	12/14/2010	JCRAIG000531- JCRAIG000541	Letter from Rupert and Morgan to Craig and Fellingner RE: Express Services, Inc. (Deposition Exhibit No. 19)
96.	12/22/2010	ESI0005232- ESI0005263	Promissory Note between Express Services, Inc. and Robert A. Funk and the Robert A. Funk Trust (Deposition Exhibit No. 20)
97.	12/22/2010	ESI0005265- ESI0005296	Promissory Note between Express Services, Inc. and Robert A. Funk and the Robert A. Funk Trust (Deposition Exhibit No. 21)
98.	1/1/2011	ESI0005297- ESI0005329	Promissory Note between Express Services, Inc. and Robert A Funk and the Robert A. Funk Trust (Deposition Exhibit No. 22)
99.	11/7/2007	STO200709- STO200729	Shareholders' Agreement between Express Services, Inc., the Robert A Funk Trust, and the William H. Stoller Trust (Deposition Exhibit No. 24)
100.	6/11/1983	STO200182- STO200195	By-laws of Express Temporary Service, Inc. (Deposition Exhibit No. 25)
101.	9/17/2008	STE0067291- STE0067296	Minutes from quarterly board meeting of Express Services, Inc. (Deposition Exhibit No. 26)
102.	10/1/2008	STE0035079- STE0035081	Email chain communication from Cina Gailey to Funk and Carol Lane RE: Announcement; Funk forwarded to Stoller (Deposition Exhibit No. 27)
103.	12/10/2008	STE0067442	Letter from Funk to Fellingner RE: continued service as a consultant for Express (Deposition Exhibit No. 28)
104.	1/12/2009	ESI0856170	Email chain communication from Tom Richards to Sharon Patric and Fellingner RE: Please pay on 1/15; response from Fellingner (Deposition Exhibit No. 29)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
105.	3/12/2009	ESI0003815- ESI0003819	Minutes from Express Services, Inc. Board Meeting (Deposition Exhibit No. 31)
106.	6/25/2009	ESI0003715- ESI0003719	Minutes from Express Services, Inc. Board Meeting (Deposition Exhibit No. 33)
107.	12/9/2009	ESI0000648	Letter from Funk to Fellingner RE Amendment to 2008 letter (Deposition Exhibit No. 37)
108.	3/10/2010	STO200805- STO200819	Employment Agreement between Express Services, Inc. and Fellingner (Deposition Exhibit No. 38)
109.	12/22/2010	STO204044	Express Services, Inc. Resolution for Meeting of Board of Directors RE: Treatment of Costs Related to Health Insurance (Deposition Exhibit No. 42)
110.	12/22/2010	STO204040	Express Services, Inc. Resolution for Meeting of Board of Directors RE: Workers Compensation Payments (Deposition Exhibit No. 43)
111.	12/26/2010	STE0052219- STE0052282	Express Financial Reports as of December 16, 2010, distributed to Bostwick, Sharon Patric, Board Members and Vice Presidents (Deposition Exhibit No. 46)
112.	12/27/2009	STO200800- STO200804	Shortfall Report Balances (Deposition Exhibit No. 47)
113.	8/3/2009	STO200952- STO200957	Demand letter from Rawlinson to Funk, Stoller, Fellingner, Richards, Keating, Gibson, Gillogly (Deposition Exhibit No. 48)
114.	1/1/2006	ESI0000880	Agreement between Funk and Express Services, Inc. (Deposition Exhibit No. 50)
115.	9/25/2009	ESI0953921	Email from Morgan to Corbyn, copying Rupert, Richards and Fellingner RE: UU Bar, Forwarded to Craig (Deposition Exhibit No. 52)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
116.	12/26/2004	ESI0005429- ESI0005434	Shareholder Advance Balances as of December 26, 2004 (Deposition Exhibit No. 57)
117.	12/31/2005	STE0070868- STE0070874	Shareholder Advance Balances as of December 31, 2005 (Deposition Exhibit No. 58)
118.	6/7/2006	STE0070818; STE0070827- STE0070834	Email from Richards to Stoller RE: Shareholder Advance Balances (Deposition Exhibit No. 59)
119.	12/31/2006	STE0085677- STE0085682	Shareholder Advance Balances as of December 31, 2006 (Deposition Exhibit No. 60)
120.	12/31/2007	STE0062649- STE0062654	Shareholder Advance Balances as of December 31, 2007 (Deposition Exhibit No. 61)
121.	12/31/2008	STO211093- STO211099	Shareholder Advance Balances as of December 31, 2008 (Deposition Exhibit No. 62)
122.	6/14/2009	STO200865- STO200870	Shortfall Report Balances as of June 14, 2009 (Deposition Exhibit No. 63)
123.	9/30/2009	FUNK_E_002732- FUNK_E_002733	Email from Funk to Jarold Callahan RE: Revised Shortfall Report (Deposition Exhibit No. 64)
124.	3/23/2010	ESI0005389- ESI0005390	Email from Carol Fegatter to Gardner RE: 12/27/09 Shortfall Report, forwarded to Patric and Fellingner (Deposition Exhibit No. 65)
125.	3/12/2013	M-ESI-004058- M-ESI004062	First Amended and Restated Promissory Note between Express Services, Inc. and Robert A. Funk and the Robert A. Funk Trust (Note No. 1) (Deposition Exhibit No. 68)
126.	3/12/2013	M-ESI-004063- M-ESI-004067	First Amended and Restated Promissory Note between Express Services, Inc. and Robert A. Funk and The Robert A. Funk Trust (Note No. 2) (Deposition Exhibit No. 69)

No.	Date	Bates Range	Description
127.	3/12/2013	M-ESI-004068- M-ESI-004072	First Amended and Restated Promissory Note between Express Services, Inc. and Robert A. Funk and The Robert A. Funk Trust (Note No. 3) (Deposition Exhibit No. 70)
128.	12/31/2012	STO212562- STO212570	Stock Pledge Agreement between Robert A. Funk, The Robert A. Funk Trust (Borrowers), Express Development Corporation, Inc. and Express Development II, LLC (Lenders) (Deposition Exhibit No. 71)
129.	3/12/2013	ESI0982790- ESI0982795	Second Lien Mortgage, Assignment of leases and Rents, Security Agreement and Fixture Filing (Deposition Exhibit No. 72)
130.	3/12/2013	ESI0982796- ESI0982805	Stock Pledge Agreement between Robert A. Funk and the Robert A. Funk Trust collectively and Express Services, Inc. (Deposition Exhibit No. 73)
131.	4/2/2010	ESI0782351; FUNK_E_016189; ESI0784007; ESI0786066; FUNK_E_003589; FUNK_E_016191; FUNK_E_000949; FUNK_E_016193; FUNK_E_016194; FUNK_E_000946; FUNK_E_016196; FUNK_E_001387; FUNK_E_001017; FUNK_E_001354	Email chain communication between Bostwick, Funk and Dana Miller; various letters and certifications that Funk lacked resources to make due payments on the UU Bar Ranch loan (Deposition Exhibit No. 78)
132.	6/5/2007	000995-000999	Amended and Restated Guaranty between Express Services (Guarantor) and Rabo Agrifinance, Inc. (Lender) (Deposition Exhibit No. 79)



<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
133.	11/9/2010	ESI0608239	Email chain communication from Terri Weldon to Charles Atkinson RE; Bill Stoller-Card Key (Deposition Exhibit No. 81)
134.	12/22/2010	REF04921- REF04922	Resolution of the Board of Directors of Express Services, Inc. (Deposition Exhibit No. 86)
135.	3/1/2010	STO200846- STO00856	Employment Agreement between Express Services, Inc. and Bostwick (with handwritten note) (Deposition Exhibit No. 89)
136.	6/11/2004	STE0064080- STE0064085	Email from Richards to Stoller RE: Shareholder Advances; Shareholder Advance Balances attached (Deposition Exhibit No. 92)
137.	12/31/2008	ESI0406734- ESI0406740	Balances as of December 31, 2008 (Deposition Exhibit No. 93)
138.	8/2004; 8/2005; 5/2006; 9/2009	ESI0262493; ESI0262497; ESI0262455; ESI0262520	The Stoller Group expenses (Deposition Exhibit No. 94)
139.	5/28/2010	STE0067629- STE0067637	Email from Voss to Stoller and Funk copying Gardner, Rawlinson and Rupert RE: Preliminary Mercer Interview Summary (Deposition Exhibit No. 95)
140.	7/12/2011	STE0017872	Email chain communication between Stoller and Bostwick RE: Meetings this week (Deposition Exhibit No. 96)
141.		STO211762- STO211763	Handwritten letter from Stoller to Funk (Deposition Exhibit No. 97)
142.	9/22/2004	STE0034101	Email from Stoller to Funk RE: Fairness Note to Bob Funk (Deposition Exhibit No. 98)
143.	7/27/2005	FUNK039831- FUNK039832	Email from Stoller to Funk RE: Estate Planning Issues; Follow up emails on 9/17/2005 and 10/26/2005 (Deposition Exhibit No. 99)
144.	10/26/2005	ESI0318558	Email from Stoller to Funk, copying Richards RE: New Mexico Ranch (Deposition Exhibit No. 100)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
145.	3/13/2006	UU_BAR0048320	Email chain communication between Stoller and Len Cason RE: New Mexico Ranch (Deposition Exhibit No. 101)
146.	07/27/2005	STE0093448- STE0093449	Stoller emails to Funk and Cason RE: Estate Planning Issues (Deposition Exhibit No. 102)
147.	07/27/2005	STE0070880- STE0070881	Emails from Stoller to Funk RE: Estate Planning Issues (Deposition Exhibit No. 103)
148.	10/25/2005	ESI0318492- ESI0318494	Emails from Ex. 103 forwarded by Stoller to Richards (Deposition Exhibit No. 104)
149.	11/2/2005	ESI0319243- ESI0319245	Emails from Ex. 103 forwarded by Stoller to Richards (Deposition Exhibit No. 105)
150.	3/14/2006	ESI0328258- ESI0328261	Email from Ex. 103 forwarded from Cason to Richards (Deposition Exhibit No. 106)
151.	2/24/2006	ESI0327898	Email from Michael Curoe to Richards, copying Brian Newcomer RE: Funk Loan on UU Bar and Mora Ranches; Richards forwarded to Cason (Deposition Exhibit No. 108)
152.	2006/2008		Calendars (Deposition Exhibit No. 109)
153.	12/31/2006	STE0000720; STE0000773- STE0000777	Express Personnel Services Financial Reports as of 12/31/2006, distributed to Richards, Patric, Board Members and Vice Presidents (Deposition Exhibit No. 110)
154.	12/28/2008	STE0000844	Express Personnel Services Financial Reports as of 12/28/2008, distributed to Richards, Patric, Board Members and Vice Presidents (Deposition Exhibit No. 111)
155.	8/8/2007	ESI0366571- ESI0366572	Email chain communication from Stoller to Richards, copying Cason RE: Buy Sell Agreement (Deposition Exhibit No. 112)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
156.	11/12/2007	ESI0375415	Email chain communication between Stoller and Richards RE: Cashflow Statement 10/2007 (Deposition Exhibit No. 113)
157.	4/18/2011	STE0029938	Stoller Trust Balance Sheet as of 12/31/2010 (Deposition Exhibit No. 114)
158.	1/22/2009	ESI1162596- ESI1162598	Stoller Trust Balance Sheet Prec. Year Comparison as of 12/31/2008 (Deposition Exhibit No. 115)
159.	06/24/2009	ESI1162593- ESI1162595	Stoller Trust Balance Sheet Prev. Year Comparison as of 5/31/2009 (Deposition Exhibit No. 116)
160.	9/22/2012		Fair Market Value of a Nonmarketable, Noncontrolling, Nonvoting Common Stock Interest in Express Services, Inc. as of 1/1/2012, to Cason from Curtis Kimball (Deposition Exhibit No. 117)
161.	10/5/2010	STE0044159- STE0044192	Email from Jenny Schwenke to Stoller and Nelson, copying Cathy Stoller RE: Gresham; Stoller Group Business Proposal for 11/4/2008 meeting attached (Deposition Exhibit No. 118)
162.	12/4/2009	ESI0962036- ESI0962050	Express Services, Inc. Board Meeting Minutes from December 4, 2009 (Deposition Exhibit No. 119)
163.	9/22/2009	ESI0959971- ESI0959992ESI-	Email chain communication from Richards to Marshall Snipes and Robert Barcum, forwarded by Snipes to Stoller and forwarded by Stoller to Gailey (Deposition Exhibit No. 120)
164.	2/1/2010	BLOOMIII- 00008610- ESI-BLOOMIII- 00008611	Email chain communication from Stoller to Snipes RE: Board Meeting including Richards (Deposition Exhibit No. 121)
165.	7/28/2010	STE0057460- STE0057463	Email from Snipes to Stoller, copying Richards RE: UPA ownership schedule assuming funding of new loan (Deposition Exhibit No. 122)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
166.	1/28/2009	ESI0249621- ESI0249623	Promissory Note between Unisource Program Administrators, LLC, and Stoller (Deposition Exhibit No. 123)
167.	8/3/2009	ESI0262196- ESI0262198	Promissory Note between Unisource Program Administrators and Stoller (Deposition Exhibit No. 124)
168.	9/28/2009	ESI0262191- ESI0262192	Promissory Note between Unisource Program Administrators and Stoller (Deposition Exhibit No. 125)
169.	7/30/2009	STE0065836	Email from Richards to Stoller RE: Audited Financials (Deposition Exhibit No. 126)
170.	09/28/2009	ESI0949180	Email chain communication from Richards to Stoller RE: UPA, forwarded to Snipes (Deposition Exhibit No. 127)
171.	05/26/2009	ESI0262259- ESI0262261	Promissory Note between Express Services, Inc. and William H. Stoller Trust (Deposition Exhibit No. 128)
172.	4/3/2009		Express Services, Inc. Request to Wire Transfer Funds (with handwritten note) (Deposition Exhibit No. 129)
173.	7/8/2010	STE0056166- STE0056168	Email chain communication from Stoller to Funk and Fellingner, copying Bostwick RE: Future of Express' Workers Comp Program (Deposition Exhibit No. 130)
174.	10/5/2010	STE0000780- STE0000842	Email chain communication between Patric, Stoller, and Terri Wippell RE: P13-09 Board Report (2) (Deposition Exhibit No. 131)
175.	4/3/2009	ESI0938225- ESI0938230	Assignment by Express Hallmark holding Co., LLC, of all the membership units in Unisource Program Administrators, LLC Release, Waiver and Indemnity (Deposition Exhibit No. 132)
176.	9/28/2009	STE0036610- STE0036619	Promissory Note between Snipes and Stoller (Deposition Exhibit No. 133)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
177.	7/26/2011	STE0017247; STE0036680; STE0036758	Email from Stoller to Richards and Snipes RE: Peeble Partnership; Assignment of Percentage Interest and Financing Statement (Deposition Exhibit No. 134)
178.	12/31/2010	STE0032203- STE0032204	Pledge and Security Agreement between Snipes and Stoller (Deposition Exhibit No. 135)
179.	12/31/2010	STE0032205- STE0032206	Pledge and Security Agreement between Barcum and Stoller (Deposition Exhibit No. 136)
180.	1/2008	ESI0697831- ESI0697834	Express Services, Inc. Service Company (NEWCO) (Deposition Exhibit No. 137)
181.	3/6/2008	STE0087316	Email chain communication from Schwenke to Stoller and wife, Cathy RE: Update on Funk (Deposition Exhibit No. 138)
182.	3/26/2009	ESI0410531- ESI0410533	Email chain communication from Lynette Olsson to Stoller RE: ESI Relationship, forwarded by Stoller to Richards and Gillogly; letter from Rawlinson to Stoller attached (Deposition Exhibit No. 139)
183.	4/16/2009	STE0090071	Email chain communication from Stoller to Richards RE: Equity group in New York forwarded to Jeff Baker (Deposition Exhibit No. 140)
184.	4/21/2009	STE0056557	Email chain communication from Richards to Stoller RE: Update (Deposition Exhibit No. 141)
185.		STO210500	Handwritten notes RE: worker's comp bill and local groups (Deposition Exhibit No. 142)
186.	5/11/2009	ESI0412536- ESI0412537	Email chain communication from Unisource Program Administrators to UPAAEveryone RE: UPA adds A-rated carrier Amerisafe, forwarded from Richards to Stoller (Deposition Exhibit No. 143)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
187.	6/1/2009	ESI0413345- ESI0413346	Email from Joyce Coleson to Boutwell, Gillogly, Nikki Jones, Kirk, Richards, Cason RE: Memo to Bob Funk, et al., forwarded by Richards to Stoller (Deposition Exhibit No. 144)
188.		ESI0777565	Summary Term Sheet for Investment in Express Services, Inc. and Affiliates (Deposition Exhibit No. 145)
189.	6/10/2009	BAYTREE000082	Email from Vincent Orza to Michael Gardner RE: conversation with Snipes regarding Express Personnel (Deposition Exhibit No. 146)
190.	6/11/2009	ESI0416163	Email chain communication from Stoller to Richards RE: Development Credit (Deposition Exhibit No. 147)
191.	7/24/2009	STE0066778- STE0066792	Email from Richards to Stoller RE: EXOP DOC.pdf Newco transactions (Deposition Exhibit No. 148)
192.	8/3/2009	STE0080456	Email chain communication from Richards to Stoller RE: NY Schedule (Deposition Exhibit No. 149)
193.	8/17/2009	STO206811- STO206816	Email from Cicogna Gianluca to Stoller, copying Michael Gardner RE: Consulting Agreement; Baytree Capital letter attached (Deposition Exhibit No. 150)
194.	8/17/2009	BAYTREE000346- BAYTREE000354	Letter of Intent from Baytree Capital to Stoller RE: restructuring Express to enhance shareholder value (Deposition Exhibit No. 151)
195.	8/12/2009	BAYTREE000007- BAYTREE000012	Email from Cicogna to Orza copying Paul Goodman, Colleen Delany, Mary Baker, Michael Gardner and Yangging Shi RE: Draft LOI for Express (Deposition Exhibit No. 152)
196.	8/2009	ESI0777566- ESI0777578	Discussion Materials for Express Services, Inc. (Deposition Exhibit No. 153)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
197.	8/13/2009	ZSFUND000844	Email from Bob Horne to Richards, Adam Lehrhoff and David Affinito RE: Yesterday's Breakfast (Deposition Exhibit No. 154)
198.	8/17/2009	STE0091960- STE001961	Email chain communication between Cicogna and Stoller, copying Michael Garder. RE: Consulting expert (Deposition Exhibit No. 155)
199.	8/28/2009	STO211018- STO211021	Letter from Rocky Dixon to Stoller RE: proposal to recapitalize Express Services, Inc. (with handwritten notes) (Deposition Exhibit No. 156)
200.	12/16/2009	ZSFUND000751- ZSFUND000753	Email chain communication from Adam Lehrhoff to Stoller and Richards RE: follow up; Horne and Affinito later copied in (Deposition Exhibit No. 157)
201.	8/9/2010	STE0075595- STE0075596	Email chain communication from Stoller to Horne RE: Express Oklahoma, Lehrhoff copied in (Deposition Exhibit No. 158)
202.	7/16/2009	ESI0417453- ESI0417460	Email from Richards to Stoller RE: Agreement (Deposition Exhibit No. 162)
203.	9/4/2010	STE0018364	Email chain communication from Arthur Rahill to Bostwick, copying Stoller RE: Stoller third quarter estimates (Deposition Exhibit No. 165)
204.	10/12/2010	STE0036379	Memorandum Opinion and Order (Deposition Exhibit No. 166)
205.		STE0037663	Message from Stoller to Express Services, Inc. Employees and Franchisees (Deposition Exhibit No. 167)
206.	6/28/2010	STE0068066	Email from Lane to Funk, Fellingner, Craig, Stoller, Gillogly, Gibson, Keating, Bostwick, Gailey RE: Counsel on behalf of Express (Deposition Exhibit No. 168)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
207.	2/16/2010	FUNK_E_013061- FUNK_E_013063	Email from Rawlinson to Morgan and Corbyn RE: Compensation Interviews (Deposition Exhibit No. 170)
208.	11/23/2010	STE0041119	Email chain communication from Voss to Funk and Stoller, copying Rupert, Rawlinson and Gardner RE: Executive Compensation Review (Deposition Exhibit No. 171)
209.	12/21/1986	STE0010028	Letter agreement between Express Services, Inc. and Stoller (Deposition Exhibit No. 172)
210.	4/12/2006	ESI0687871- ESI0687872	Email chain communication between Richards, Stoller, and Patric RE: Agreement Stoller (Deposition Exhibit No. 174)
211.	4/12/2006	ESI0330043- ESI0330045	Email from Jenifer O'Toole to Richards RE: Agreements for Stoller and Funk (Deposition Exhibit No. 175)
212.	7/8/2010	FUNK_E_013298- FUNK_E_013300	Email from Stoller to Richards and Fellingner, copying Rupert, Morgan, Corbyn RE: Proposed ESI board resolution (Deposition Exhibit No. 176)
213.	3/26/2009	STE0089950- STE0089952	Email from Olsson to Stoller RE: ESI Relationship, forwarded to Richard and Gillogly (Deposition Exhibit No. 177)
214.	9/24/2009	STE0064445- STE0064455	Minutes from Express Services, Inc. Board Meeting 9/24/2009 (Deposition Exhibit No. 178)
215.	9/22/2011	REF-005206- REF-005211	Minutes from Board of Directors Meeting 9/22/2011 Executive Session (Deposition Exhibit No. 183)
216.	4/2/2003	STE0092739	Minutes of the meeting of the Shareholders of Express Services, ESI (Deposition Exhibit No. 185)
217.	3/23/2003		Financial Reports of Express Personnel Services as of 3/23/2003 (Deposition Exhibit No. 186)
218.	9/22/2011	REF-005104- REF-005205	Board of Directors Meeting Transcript Summary Index (Deposition Exhibit No. 187)



<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
219.	2009-2012		Handwritten Notes RE: Net Earnings and Stockholder's Equity (Deposition Exhibit No. 188)
220.	12/30/2012	ESI0982731- ESI0982756	Express Services, Inc. Consolidated Financial Report (Deposition Exhibit No. 189)
221.	12/25/2011- 12/26/2010	FUNK_E_000328- FUNK_E_000355	Express Services, Inc. and Subsidiaries Consolidated Financial Statements (Deposition Exhibit No. 190)
222.	12/27/2009	ESI0975407- ESI0975464	Express Employment Professionals Financial Reports as of 12/27/2009 (Deposition Exhibit No. 191)
223.	12/26/2010- 12/27/2009	FUNK_E_000882- FUNK_E_00906	Express Services, Inc. and Subsidiaries Consolidated Financial Statements and Supplemental Systemwide Information (Deposition Exhibit No. 192)
224.	7/15/2013	000910-000932	Bylaws of Express Development Corporation, Inc. (Deposition Exhibit No. 202)
225.	9/5/2010	STO202412- STO202421	Email from Rupert to Rawlinson, Corbyn, Merley, Gardner, Chilton and Craig, copying Morgan RE: ESI, 3-5-10 recommendations (Deposition Exhibit No. 204)
226.	2/1/2010	ESI0000856- ESI0000866	Consulting Agreement between Express Services, Inc. and Richards Ventures, LLC (Deposition Exhibit No. 205)
227.	12/1/2004	ESI0005405 (only first page contains Bates Number)	Document Info Re: Interest on shareholder loans 10/31/2004 (Deposition Exhibit No. 206)
228.	09/24/2009	STO201771- STO2011782	Express Services, Inc. Executive Board Meeting Minutes from 9/24/2009 (Deposition Exhibit No. 207)

No.	Date	Bates Range	Description
229.	6/28/2006	ESI 0332678; ESI 0275326- ESI 0275329; FUNK_E_012615; ESI0348212; ESI0355046; ESI0923252; ESI0894399; ESI0894400- ESI0894401; ESI-0894412- ESI-0894414; ESI-236887	Various email communication RE: UUBar note payments (Deposition Exhibit No. 221)
230.	7/26/2006	FUNK-001030	Email chain communication from Richard Herbst to Richards and Funk, copying Brad Cottrell and Brian Newcomer RE: Express Ranches Indicative Termsheet July 26 <sup>th</sup> 2006 (Deposition Exhibit No. 222)
231.		ESI0782154	ESI UU Bar Swap Payments and Date of Payments (Deposition Exhibit No. 223)
232.	8/28/2009	ESI0419667	Email from Richards to Morgan and Rupert RE: Contact info (Deposition Exhibit No. 224)
233.	3/10/2010	FUNK-001829	Email from Richards to Funk RE: Interest rate swap (Deposition Exhibit No. 225)
234.	7/10/2009	BAYTREE000002- BAYTREE000001	Notes from conference call-Express Opportunities (Colleen Delaney on call with Richards) (with underlining) (Deposition Exhibit No. 226)
235.	10/1/2008	STE0094417- STE0094418	Memo to Funk and Stoller from Richards RE: changes at Express (Deposition Exhibit No. 227)
236.	3/17/2010	ESI0859167	Email from Richards to Funk RE: Lawyer discussions, Funk forwarded to Fellingner (Deposition Exhibit No. 228)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
237.	1/8/2010	FUNK_E_13297- FUNK_E_13300	Email from Stoller to Richards and Fellingner, copying Rupert, Morgan and Corbyn RE: Proposed ESI board resolution (Deposition Exhibit No. 229)
238.	12/3/2009	JCRAIG000455- JCRAIG000458	Email from Rupert to Richards, Fellingner, Craig, copying in Morgan RE: ESI board issues 12/4/09 (Deposition Exhibit No. 230)
239.	12/28/2008	ESI195982- ESI0196038	Express Employment Professionals Financial Reports as of 12/28/2008 (Deposition Exhibit No. 231)
240.	10/1/2009	CD02031-CD02033	Letter from Morgan to Craig RE: Legal Representation (Deposition Exhibit No. 239)
241.	12/4/2009	STE0067678- STE0067680	Report from Rupert and Morgan to ESI Board of Directors (Deposition Exhibit No. 241)
242.	5/5/2010	CD00410-CD00412	Email from Brett Liles to McSpadden RE: Express Services Guaranty-UU Bar Ranch Debt, forwarded to Morgan and Rupert (Deposition Exhibit No. 252)
243.	6/4/2010	CD01383-CD01385	Memo to Morgan from McSpadden and Liles RE: Express Services, Inc. (Deposition Exhibit No. 253)
244.	6/4/2010	CD00727-CD00729	Email chain communication from Liles to Morgan, copying in McSpadden RE: Memorandum RE: ESI's Guaranty Obligations, forwarded to Rupert (Deposition Exhibit No. 254)
245.	5/30/2014		Affidavit of Andrea D. Boutwell (Deposition Exhibit No. 261)
246.	1/1/2013	ESI1173722- ESI1173737	Express Services Inc. Employment Agreement between Express Services, Inc. and D. Keith McFall (Deposition Exhibit No. 304)
247.	4/10/2002	FUNK039739	Email from Stoller to Funk (no subject) (with handwritten notes) (Deposition Exhibit No. 305)

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
248.	4/27/2009	ESI1175340- ESI1175399	Express Franchise Agreement from Derby Kansas (Deposition Exhibit No. 311)
249.	10/29/2009	FUNK_E_013744- FUNK_E_013752	Memo from Corbyn, Tippens and Merkley to Rupert and Morgan, copying Rawlinson, Fellingner and Richards RE: Your Preliminary Report to the Board of Directors of Express Services, Inc., dated 9/24/2009, and Stoller's Response dated 10/1/2009 (Deposition Exhibit No. 312)
250.	3/19/2010	ESI 0782045-ESI 0782046	Email from Tricia Veatch to Funk RE: Shortfall Report, forwarded to Stoller (Deposition Exhibit No. 315)
251.	8/14/2009	FUNK039808	Email from Richards to Funk RE: NY meetings (with handwritten notes) (Deposition Exhibit No. 317)
252.	2/3/2010	ESI0004328- ESI0004358	Minutes from the Annual Meeting of the Board of Directors (Deposition Exhibit No. 318)
253.	11/23/2010	STO203252- STO203259	Benjamin Voss Email to Bob Funk and Bill Stoller RE: Executive Compensation Review (Deposition Exhibit No. 356)
254.	3/15/2006		Adjustable Interest Rate Promissory Note (Deposition Exhibit No. 390)
255.	3/15/2006	STO205121- STO205154	New Mexico Mortgage, Security Agreement and Financing Statement (Deposition Exhibit No. 391)
256.	2/14/2007- 2/17/2007	STE0085908- STE0085909	Bill Stoller and Dave Gillogly email chain (Deposition Exhibit No. 393)
257.	1/6/2009	STE0001464- STE0001466	Memorandum of Understanding to Dave Gillogly from Bob Funk (Deposition Exhibit No. 394)
258.	6/24/2011		Dave Gillogly handwritten letter to Bob Funk (Deposition Exhibit No. 401)
259.	9/22/2004	STE0034101	Stoller email to Funk
260.	10/26/2005	ESI0318558	Stoller email to Funk
261.	10/26/2005	FUNK039831	Stoller email to Funk
262.	3/1/2006	STE0093365	Stoller email to Funk

No.	Date	Bates Range	Description
263.	3/12/2006	STE0063711	Stoller email chain with Cason
264.	03/15/2006	FUNK 039709- FUNK 039712	Jennifer O'Toole Fax to Stoller
265.	03/15/2006	FUNK 039673- FUNK 039681	Jennifer O'Toole for Len Cason fax to Stoller
266.	03/15/2006	FUNK 039687- FUNK 039690	Jennifer O'Toole fax to Len Cason
267.	03/15/2006	FUNK 039682- FUNK 039686	Len Cason fax to Jennifer O'Toole
268.			Dockets of Derivative Action and Direct Action in <i>Stoller v. Funk</i> USDC WD Okla
269.	10/12/2010		Order by Judge Cauthron dismissing Plaintiff Complaint in the Direct Action
270.			Bill Stoller's Responses to Interrogatory Requests
271.			Expert witness report of David Payne and attachments (Deposition Exhibit No. 459)
272.			Expert witness report of Duke Ligon and attachments
273.			Expert Witness report of Marc Steinberg and attachments (Deposition Exhibit No. 464)
274.			American Heritage Dictionary Definition of "use" (Deposition Exhibit No. 427)
275.	7/5/2012		Miller Nash (Jeff Sagalowitz) letter to Merkley (Deposition Exhibit No. 432)
276.	7/5/2012		Miller Nash (Sagalowitz) letter to Merkley (Deposition Exhibit No. 441)
277.			Fellinger Proposed Board Resolutions (Deposition Exhibit Nos. 444-451)
278.			<i>Funk v. Funk</i> Automatic Temporary Injunction
279.			Hartzog Conger and Cason invoice for legal services
280.			ESI board meeting and executive session agendas, minutes, transcripts, proposed resolution, results of voting

<b>No.</b>	<b>Date</b>	<b>Bates Range</b>	<b>Description</b>
281.			ESI Financial Statements, both audited and internal
282.			ESI Board Packets
283.			Stoller Balance Sheets
284.	3/26/2009	ESI 0673459	Management Rep Letter from auditors
285.	6/20/2007	STO211724- STO211725	Stoller Funk email chain
286.	8/9/2007	ESI 0366498- ESI 0366501	Richards, Cason and Stoller email chain
287.	1/10/2007	ESI 0428128	Richards Stoller email chain
288.	4/12/2006	ST 0094618	Richard Stoller email chain
289.	11/24/2010	STE0041119	Stoller email to Benjamin Voss (Deposition Exhibit 171)
290.			All documents produced in discovery not objected to by Defendant Funk
291.			All documents requested by Defendant Funk but not yet produced by Plaintiff, not objected to by Defendant Funk
292.			All documents identified or requested in discovery not objected to by Defendant Funk
293.			All discovery responses submitted in this matter to the extent not objected to by Defendant Funk
294.			All deposition transcripts in this case and all exhibits thereto, to the extent relevant admissible and not objected to by Defendant Funk
295.			All expert reports, exhibits and attachments thereto, to the extent relevant, admissible and not objected to by Defendant Funk
296.			All demonstrative exhibits or expert exhibits submitted by the parties, to the extent relevant, admissible and not objected to by Defendant Funk
297.			All timelines and summaries, to the extent relevant, admissible and not objected to by Defendant Funk

No.	Date	Bates Range	Description
298.			All exhibits identified by Plaintiff, to the extent relevant, admissible and not objected to by Defendant Funk
299.			All documents listed as exhibits by Defendants Craig, Fellingner or ESI and not objected to by the Defendant

Defendants reserve the right to amend or supplement this list of exhibits.

Respectfully submitted,

s/Amy J. Pierce

George S. Corbyn, Jr., OBA No. 1910

Joe M. Hampton, OBA No. 11851

Amy J. Pierce, OBA No. 17980

CORBYN HAMPTON, PLLC

211 North Robinson, Suite 1910

Oklahoma City, Oklahoma 73102

Telephone: (405) 239-7055

Facsimile: (405) 702-4348

[gcorbyn@corbynhampton.com](mailto:gcorbyn@corbynhampton.com)

[jhampton@corbynhampton.com](mailto:jhampton@corbynhampton.com)

[apierce@corbynhampton.com](mailto:apierce@corbynhampton.com)

-and-

Terry W. Tippens, OBA No. 9027

Jay P. Walters, OBA No. 17364

Nicholas V. Merkley, OBA No. 20284

FELLERS, SNIDER, BLANKENSHIP,

BAILEY & TIPPENS, P.C.

100 North Broadway, Suite 1700

Oklahoma City, Oklahoma 73102

Telephone: (405) 232-0621

Facsimile: (405) 232-9659

[ttippens@fellerssnider.com](mailto:ttippens@fellerssnider.com)

[jwalters@fellerssnider.com](mailto:jwalters@fellerssnider.com)

[nmerkley@fellerssnider.com](mailto:nmerkley@fellerssnider.com)

**ATTORNEYS FOR DEFENDANTS**

**ROBERT A. FUNK AND  
THE ROBERT A. FUNK TRUST**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 24, 2013 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

s/ Amy J. Pierce  
Amy J. Pierce